

ARI

0000083832

MERS COUNCIL

P. O. Box 1288 ● Phoenix, Arizona 85001
Phoenix: (602) 265-9625 ● Tucson: (602) 327-0241

2001 JUN -6 P 2:28

AZ CORP COMMISSION
DOCUMENT CONTROL

Deborah R. Scott
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, AZ 85006

Arizona Corporation Commission

DOCKETED

JUN 06 2001

DOCKETED BY

rd

RE: Slamming/Cramming Rules - Docket No. RT 00000J-99-0034

The Following are the comments of the Arizona Consumers Council to the proposed Slamming/Cramming Rules as proposed by Staff.

First I wish to congratulate Staff on the Rules. They are comprehensive and go to the heart of most of the issues confronting consumers in the new telecommunications age. Consumers will be well served with the adoption of these rules.

There are, however, a few changes that the Council suggests that we hope will make the Rules more comprehensive and more user friendly.

1. When a consumer makes a choice to changes suppliers it is usually done by phone at the suggestion of the supplier in the home of the consumer; whether by phone, fax, Internet or in person. Additionally, the consumer will not have information readily available to make an instantaneous comparison between or among plans. I would suggest in possibly R14-2-1905 adding a subsection L. "After the acceptance of the authorization the telecommunications company or the third party verification agent shall notify the affected consumer that after sending the consumer the change order, the company will include a comprehensive description of the contract or agreement and have three (3) business days after receiving notification to resend the contract. (This can be stated also under R14-2-1906 as subsection C). This right of recession and information to make comparisons must be available if the consumer is to act on the best information available before completing a contract or agreement.

2. R14-2-1911. While the \$7,500.00 and \$15,000 upper limits of penalties for violation of this rule may be adequate, there is a great deal of leeway in the enforcement. We do not think that the Commission will impose such penalties for the second or subsequent infractions. Perhaps a series of step penalties in addition to reimbursement for expenses should be put into place. I.e. \$100.00 for the second violation, \$200.00 for the second violation, \$500.00 for the third, \$1000.00 for the 4th violation and then

\$7,500.00 \$15,000.00 for subsequent violations of this rule. Giving the consumer back what the consumer has expended does not make the consumer whole. There is time, energy and other out of pocket expenses that should be reimbursable to the consumer. Both the consumer and the company in question should know the consequences of bad actions.

3. The foregoing should also be attached to Article 20 CONSUMER PROTECTIONS FOR UNAUTHORIZED CARRIER CHARGES.

Sorry but I will be unable to attend the Staff hosted workshop on Wednesday, June 13th as I will be out of the Country.

Sincerely

A handwritten signature in black ink, appearing to read 'Albert Sterman', with a long horizontal flourish extending to the right.

Albert Sterman
Vice President
Arizona Consumers Council